



**US Army Corps
of Engineers.**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.
CENAP-OP-R-200600165-23

Date
AUG 18 2006

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Delaware Department of Natural Resources and Environmental Control, Division of Fish and Wildlife

AGENT: Evelyn Maurmeyer, Ph.D.
Coastal and Estuarine Research, Incorporated
Marine Studies Complex
Post Office Box 674
Lewes, DE 19958

WATERWAY: Broadkill River and Lewes and Rehoboth Canal

LOCATION: Tax Map Parcel 3-35-4-5, Pilottown Road, City of Lewes, Sussex County, Delaware.

ACTIVITY: The Delaware Department of Natural Resources and Environmental Control, Division of Fish and Wildlife proposes to construct a public boat launch facility, with associated structures and filling activities on the Broadkill River and Lewes and Rehoboth Canal at Tax Parcel 3-35-4-5, City of Lewes, Sussex County, Delaware.

The project elements are as follows: a concrete boat launching ramp, piers, docks, stone sill, backfill, and vegetative stabilization plantings (see attached plans for details and placement of these elements).

The proposed structures associated with the boat ramp would have the following dimensions:

Boat Ramp: six lanes, 90' long by 120' wide cumulatively.
Boarding piers: four piers, 90' x 6' each. Westerly courtesy dock: consisting of 47' x 8' fixed pier; 40' x 6' gangway; and 6' x 50 floating dock with 10' x 6' T-section.

Easterly courtesy dock: 40' x 8' fixed pier; 40' x 6' gangway; and 6' x 50' floating dock with 10' x 6' T-section. Aluminum wingwalls: two, total length 171.' Stone riprap scour protection: 25' on the westerly side, and 50' on the easterly side.

The project also includes bank stabilization work including the removal of existing concrete rubble and the installation of 830 feet of stone sill. The stone sill would protect a vegetated stabilization area, and have four flushing ports to allow tidal inundation of the backfilled area and the wetland vegetation to be planted there (i.e., Spartina patens and S. alterniflora).

The project also includes a proposed mooring pier to be used by the Division of Soil and Water Conservation to moor the state-owned dredge vessel. The mooring feature would include the following: a 72' x 10' fixed pier, 50' x 10' fixed dock, two 3-pile clusters, and six bumper piles.

The project would not impact state or federally regulated wetlands, but would require several discharges of fill material into open waters of the United States (Broadkill River) in the following quantities:

Boat Ramp: 270 cy concrete, Wingwall scour stone: 60 cy of 200 to 400 lb armor stone, Stone sill: 1840 cy of 200 to 400 lb armor stone and bedding stone, Sill backfill: 700 cy select fill.

The above listed discharges of fill material would result in the following spatial alterations to waters of the United States:

Boat ramp: 0.224 acre of open waters, Wingwall scour stone: 0.015 acre of open waters, Stone Sill: 0.251 acre of open waters, Sill backfill: 0.064 acre of open waters.

The project site is a 9.5 acre property formerly occupied by the Dorse clam processing facility, currently owned and operated as a physical plant by the DDNREC, Division of Soil and Water Conservation. Existing structures on the site are being demolished. The DDNREC is also proposing to construct new facilities on the upland portions of the site, including offices, a parking lot, and a maintenance shed.

PURPOSE: To stabilize an eroding shoreline and to provide improved boating access to public waterways.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as

amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (public law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions or proposed

actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH). The project is located in Essential Fish Habitat identified on Sheet 81 of Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware, March 1999. The following managed species of fish have been listed in the above referenced guide as occurring in the vicinity of the project: winter flounder (Pleuronectes americanus), windowpane flounder (Scophthalmus aquosus), red hake (Urophycis chuss), bluefish (Pomatomus saltatrix), Atlantic sea herring (Clupea harengus), long finned squid (Loligo pealei), short finned squid (Illex illecebrosus), Atlantic butterflyfish (Peprilus triacanthus), summer flounder (Paralichthys dentatus), scup (Stenotomus chrysops), black sea bass (Centropristus striata), surf clam (Spisula solidissima), ocean quahog (Artica islandica), spiny dogfish (Squalus acanthias), Atlantic mackerel (Scomber scombrus), king mackerel (Scomberomorus cavalla), Spanish mackerel (Scomberomorus maculatus), cobia (Rachycentron canadum); and the following shark species: sandbar (Carcharhinus obscurus), sand tiger (Odontaspis taurus), and dusky (Carcharhinus plumbeus).

Analysis of the Effects: The proposed work would occur along a relatively unprotected portion of the shoreline of the Broadkill River which appears to be subject to erosion caused by storm-generated waves and seasonal, recreational boat traffic. Much of the work (i.e., shoreline stabilization) would occur within the intertidal zone, between the high and low tide lines, an unlikely spawning or nursery area for the managed species. Consequently, concentrations of the sessile life stages (eggs and larvae) of the listed species are not expected to be within the work area. Furthermore, the stabilization work is expected to result in a net benefit of aquatic resources, including the creation of intertidal shoreline wetlands, serving as potential habitat for the prey species which the above-listed, managed fish species rely upon. In addition, the pelagic adults and juveniles of the listed species are highly mobile and capable of avoiding impacts associated with the work.

Corps of Engineers View: Based on the above analysis, the Corps of Engineers has determined that the proposed project would not have substantial direct, indirect, site-specific, or habitat-wide impacts on EFH, or upon the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively, or synergistically. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH.

Proposed Mitigation: Because the impacts of the proposed work on EFH have been determined to be minor, the Corps of Engineers has determined that mitigative measures are not necessary.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling John G. Brundage at (302) 736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

A handwritten signature in dark ink, appearing to read 'Frank J. Cianfrani', is written over the typed name and title.

Frank J. Cianfrani
Chief, Regulatory Branch

**PROPOSED PUBLIC BOAT LAUNCH RAMP AND
ASSOCIATED STRUCTURES (PIERS/DOCKS;
STONE SILL, BACKFILL, VEGETATIVE STABILIZATION)**

IN: Broadkill River
AT: 901 Pilottown Road
Lewes, Sussex County, DE 19958
Tax Map Parcel #3-35-4-5

APPLICANT: Delaware Division of Fish and Wildlife
(ATTN: Lacy E. Nichols, Jr.)

DATE: January, 2006

PROPERTY OF:
Overfalls Leasing LLC
41 Cape Henlopen Drive
Lewes, Delaware 19958

PROPERTY OF:
Commissioners of Lewes
P.O. Box 518
Lewes, Delaware 19958

PROPERTY OF:
State of Delaware
89 Kings Highway
Dover, DE 19901

PROPERTY OF:
University of Delaware
c/o Ramona Adams
162 The Green Room 220
Newark, Delaware 19716

KEY SHEET

0' 200'

E-2

SHEET 2

C.D.H./L.S.B.

Figure 9a. Key sheet showing plan view of proposed project (prepared by Andrews, Miller & Assoc., Inc.). See Figures 9b-9e for details (sheets 3-6).

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Figure 9b. Plan view (sheet 3) of proposed project (prepared by Andrews, Miller & Assoc., Inc.). See Figures 10a-10e for cross-sections.

**PROPOSED PUBLIC BOAT LAUNCH RAMP AND
ASSOCIATED STRUCTURES (PIERS/DOCKS;
STONE SILL, BACKFILL, VEGETATIVE STABILIZATION)**

IN: Broadkill River

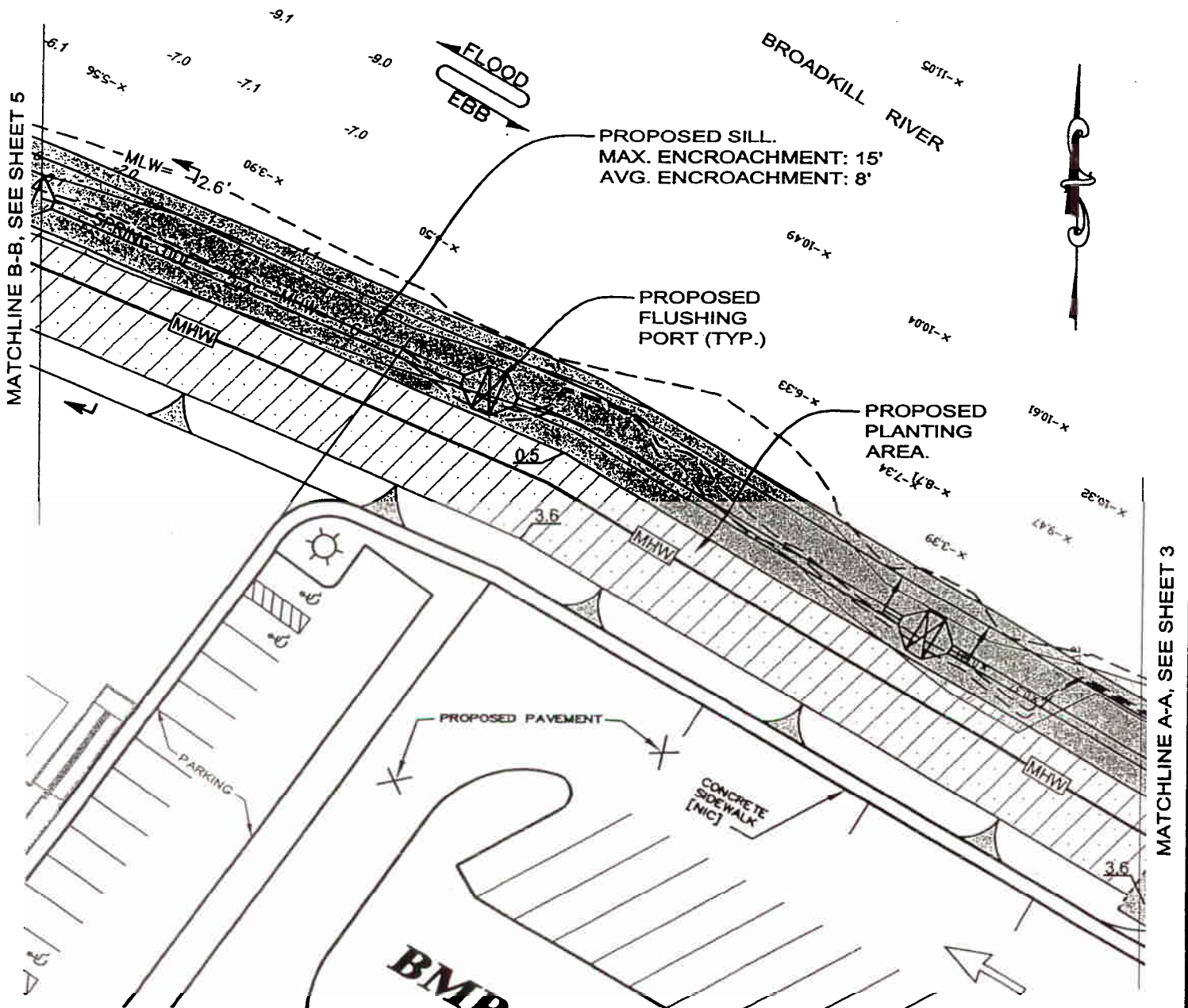
AT: 901 Pilottown Road

Lewes, Sussex County, DE 19958

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APPLICANT: Delaware Division of Fish and Wildlife
(ATTN: Lacy E. Nichols, Jr.)

DATE: January, 2006



PLAN

0' 40'

SHEET 4

Figure 9c. Plan view (sheet 4) of proposed project (prepared by Andrews, Miller & Assoc., Inc.). See Figures 10a-10e for cross-sections.

IN: Broadkill River
AT: 901 Pilottown Road
Lewes, Sussex County, DE 19958
Tax Map Parcel #3-35-4-5

DATE: January, 2006

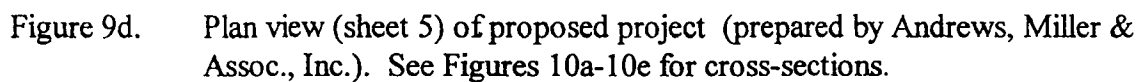


Figure 9d. Plan view (sheet 5) of proposed project (prepared by Andrews, Miller & Assoc., Inc.). See Figures 10a-10e for cross-sections.

DATE: January, 2006

MATCHLINE C-C, SEE SHEET 5

Figure 9e. Plan view (sheet 6) of proposed project (prepared by Andrews, Miller & Assoc., Inc.). See Figures 10a-10e for cross-sections.

**PROPOSED PUBLIC BOAT LAUNCH RAMP AND
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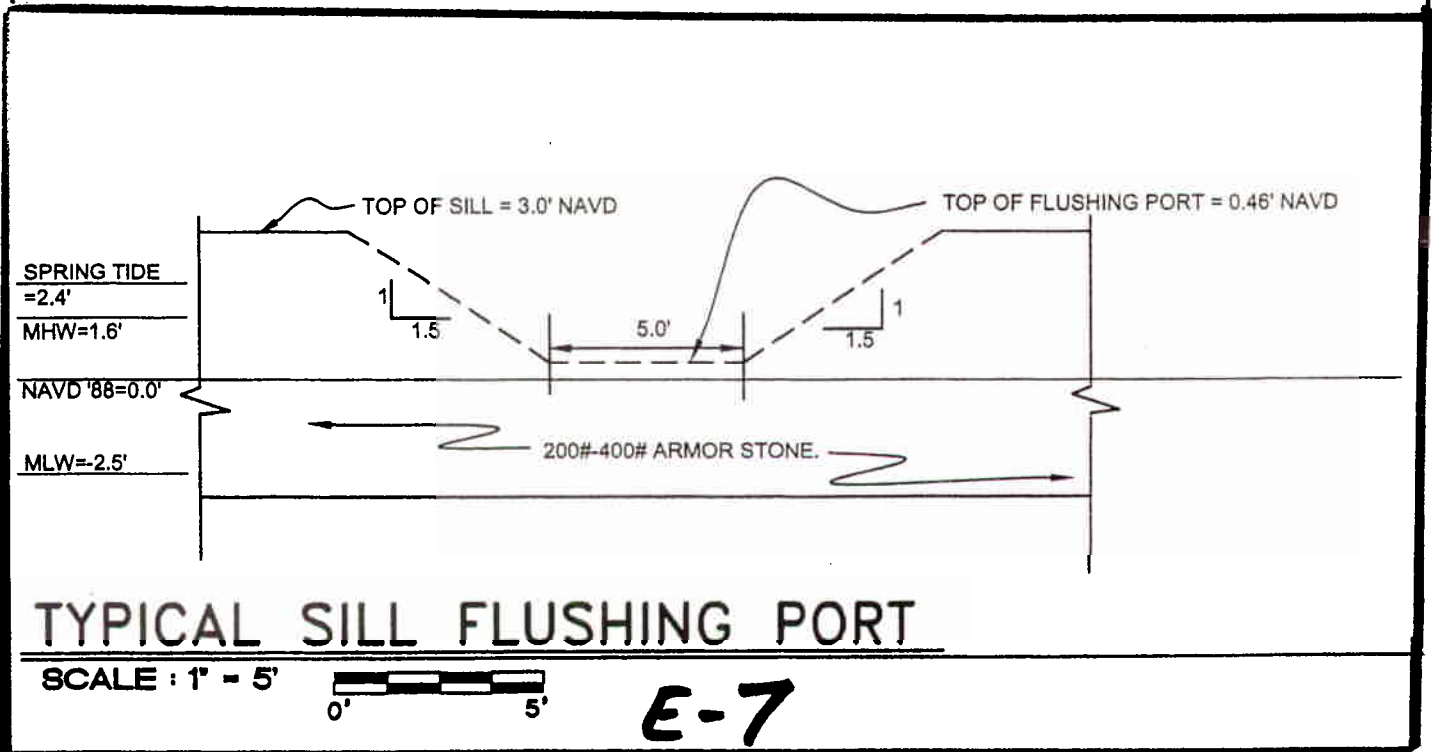
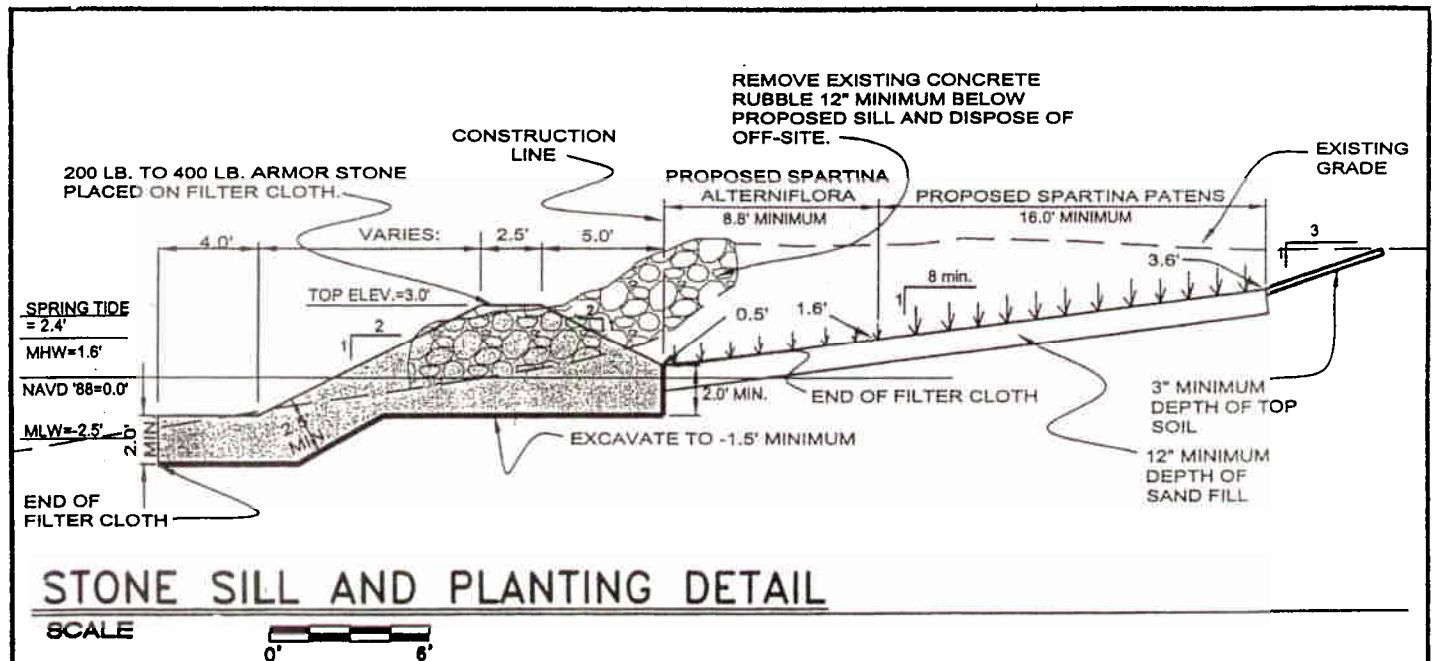


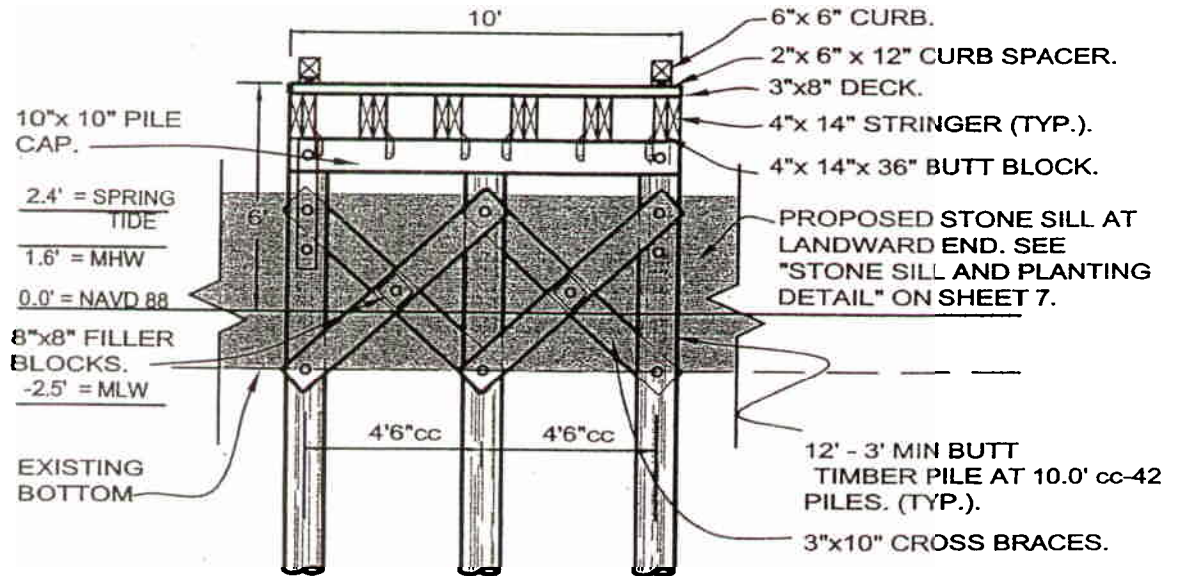
Figure 10a. Cross-sections of stone sill, backfill, and planting; and sill flushing port (prepared by Andrews, Miller & Assoc., Inc.).

**PROPOSED PUBLIC BOAT LAUNCH RAMP AND
ASSOCIATED STRUCTURES (PIERS/DOCKS;
STONE SILL, BACKFILL, VEGETATIVE STABILIZATION)**

IN: Broadkill River
AT: 901 Pilottown Road
Lewes, Sussex County, DE 19958
Tax Map Parcel #3-35-4-5

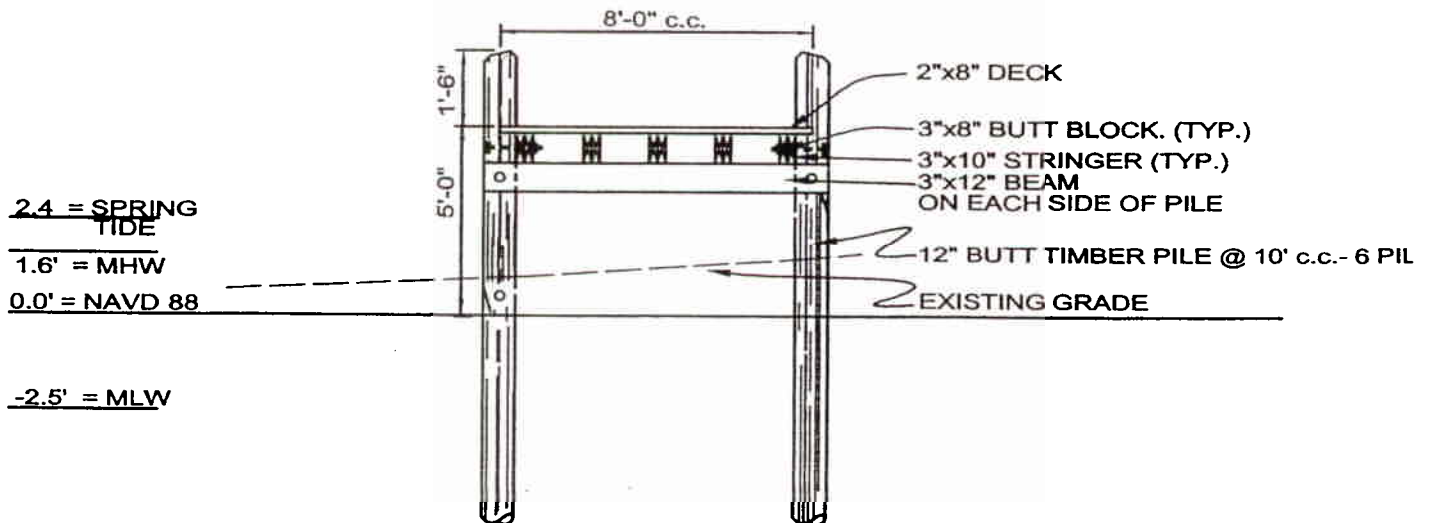
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DATE: January, 2006



TYPICAL DOCK SECTION (AT SILL)

SCALE: 1" = 5'



TYPICAL COURTESY PIER SECTION (AT BOAT RAMP)

SCALE: 1" = 5'

E-8

Figure 10b. Cross-sections of fixed dock and courtesy pier (prepared by Andrews,

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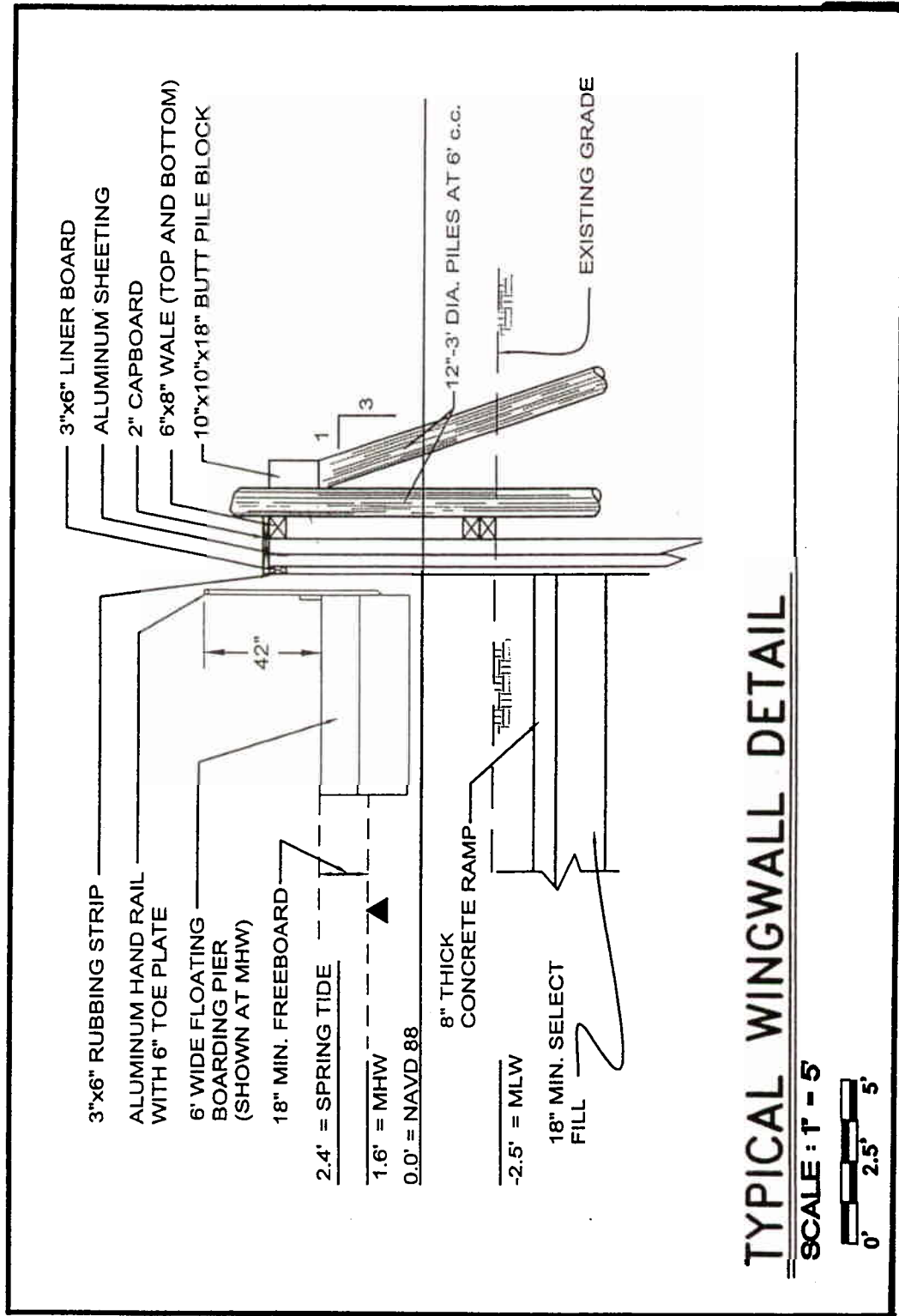
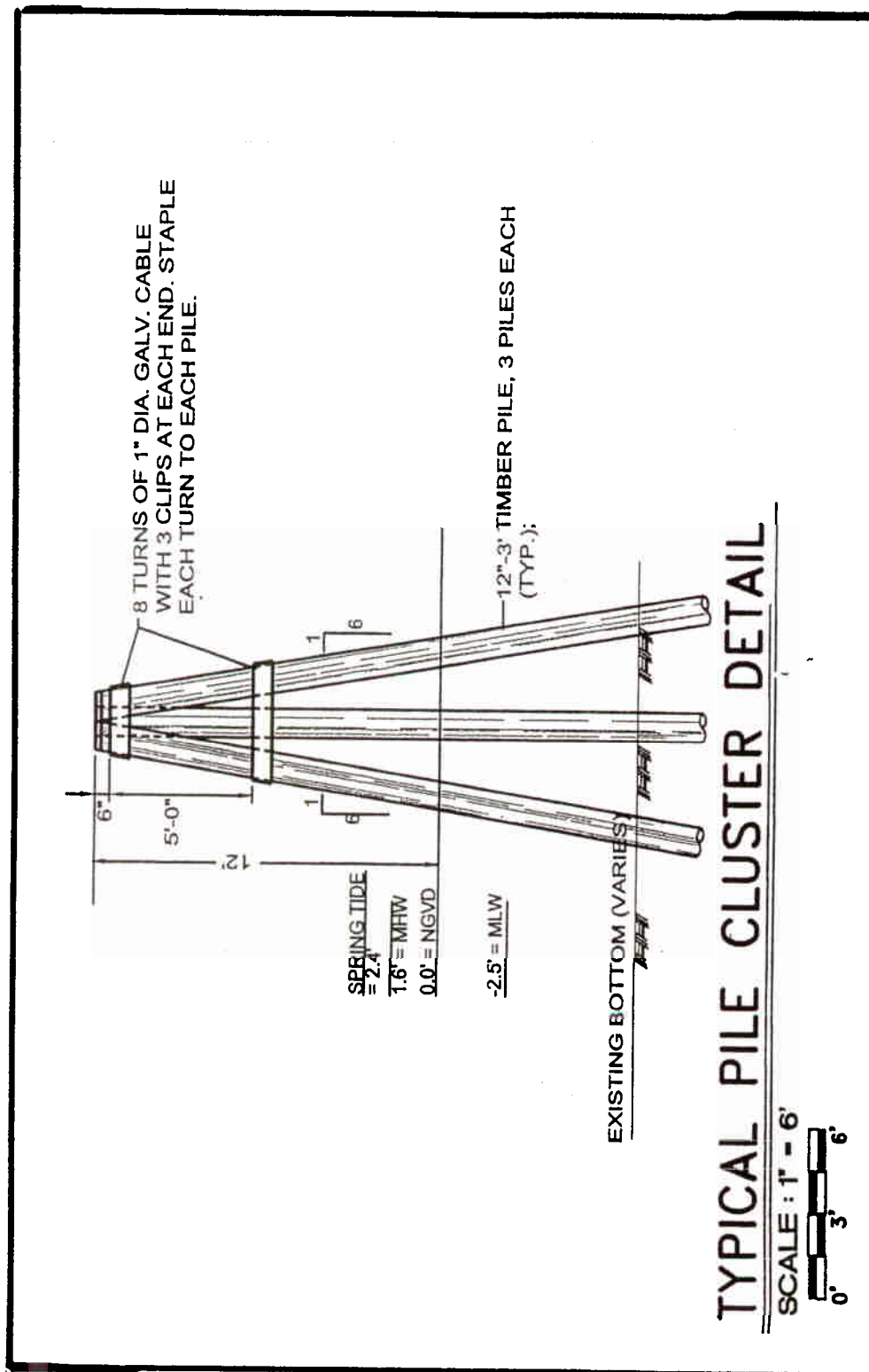


Figure 10c. Cross-section of wingwall (prepared by Andrews, Miller & Assoc., Inc.).

6-3

PROPOSED PUBLIC BOAT LAUNCH RAMP AND
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 STONE SILL, BACKFILL, VEGETATIVE STABILIZATION)
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 Lewes, Sussex County, DE 19958
 Tax Map Parcel #3-35-4-5
 APPLICANT: Delaware Division of Fish and Wildlife
 (ATTN: Lucy E. Nichols, Jr.)
 DATE: January, 2006

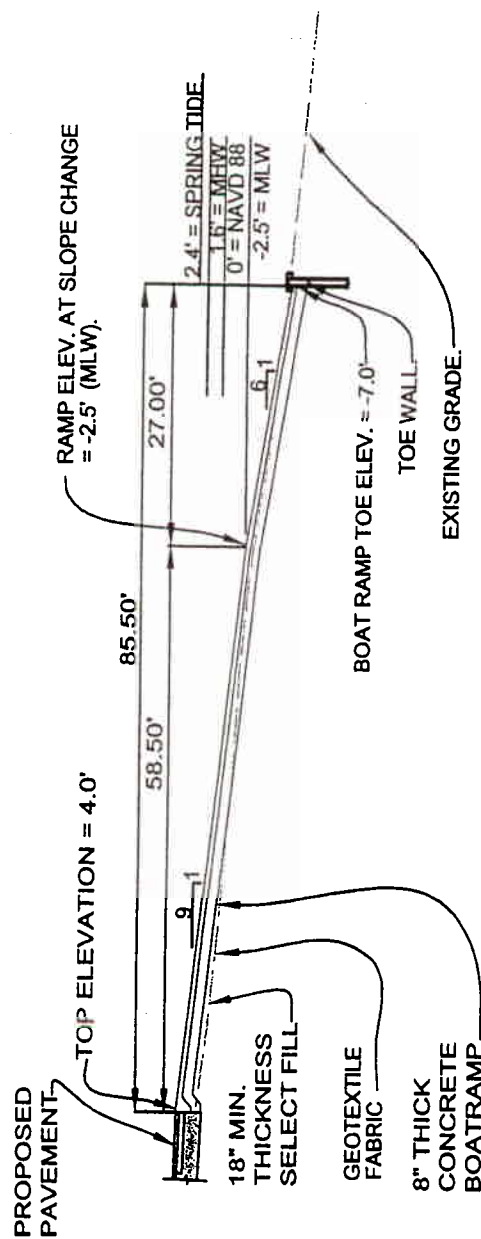


E-10

Figure 10d. Cross-section of pile cluster (prepared by Andrews, Miller & Assoc., Inc.).

PROPOSED PUBLIC BOAT LAUNCH RAMP AND ASSOCIATED STRUCTURES (PIERS/DOCKS; STONE SILL, BACKFILL, VEGETATIVE STABILIZATION)

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TYPICAL BOATRAMP PROFILE

SCALE: 1" = 20'



Figure 10e. Cross-section of boat ramp (prepared by Andrews, Miller & Assoc., Inc.).

E-11